

**APPROVED MINUTES
INDIANA STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN
WITH DISABILITIES**

**May 2, 2008
9:00 a.m. to 3:00 PM
Carmel Clay Educational Service Center
Carmel, IN**

ADVISORY COUNCIL MEMBERS PRESENT:

B. Marra, G. Bates, D. Downer, C. Endres, K. Farrell, , J. Hammond, B. Henson, R. Kirby, B. Kirk, K. Mears, J. Nally, M. Ramos, D. Schmidt, J. Swaim, S. Tilden,

ADVISORY COUNCIL MEMBERS NOT PRESENT:

R. Burden, D. Geeslin, C. H. Hansen, M. Johnson, B. Lewis, G. McAloon J. Swiss, T. Wyatt, S. Yoder

INDIANA DEPARTMENT OF EDUCATION STAFF PRESENT:

N. Brahm, K. Bassett B. Reynolds, T. Rinehart, N. Zemaitis, N. Confer, M. Craciunoui, S. Sharp, S. Cochran, P. Ash

VISITORS:

Marilynn Edwards (ISTA), Margaret Jones (Attorney/Parent), Rylin Rodgers (Parent), Brandon Wozniak (CEEP), Adam Newman (CEEP)

INTERPRETERS

Rebecca Madigan
Kelleyanne Norrod

MEETING

D. Schmidt opened the meeting at 9:17 a.m.

Welcome

Minutes from January 11, 2008

B. Lewis moved to accept the minutes from January 11, 2008

J. Hammond seconded. Minutes were approved by a unanimous vote.

CEEP Presentation on Article 7 Fiscal Impact

B. Marra introduced Terry Spradlin from the Center for Evaluation Education Policy (CEEP). B. Marra stated that N. Brahm and B. Lewis have worked with EEP on the Fiscal Impact of the Article 7. B. Marra complimented the hours of time that the group put into the presentation and added that the fiscal impact will be presented to the State Board of Education on Wednesday, May 7, 2008.

T. Spradlin introduced Brandon Wozniak and Adam Newman. T. Spradlin gave an overview about CEEP (a non for profit agency) and what role CEEP has with the Indiana Department of Education. T. Spradlin presented a power point that explained to the council the Fiscal Impact Analysis for Proposed 511 IAC 7 Rules.

S. Tilden asked if there were similar studies in other states. T. Spradlin said that there really are not any similar studies that have been done in other states. Based on the analysis there is not a model to compare with the analysis. T. Spradlin indicated that he can provide the studies from year 1 and 2.

T. Spradlin moved on to the 2008 Fiscal Impact Study:

- Statement of Purpose
- Fiscal Impact Methodology

D. Schmidt asked why there so few schools to compare to. T. Spradlin stated requirements differ from state to state.

T. Spradlin went on to discuss the

- Advisory Team (members: Karol Farrell, Bret Lewis, Denise Bashore, Jan Dunham, Pam Wright, James Mervidle, Barb Underwood).

- Overview of Analysis and Preliminary Findings

Fiscal Impact Score Card: B. Wozniak presented the Cost Variables Associated with Rules.

B. Marra explained the increases and decreases of the cost evaluations and how they affected each rule where there was a fiscal impact. B. Wozniak and A. Newman explained how the costs were calculated.

B. Marra referred to the cost and hours of reduction per pupil and that the council helped to reduce this time with the rewrites that were made to the rules. K. Farrell said that it was important to remember that the reduction may impact the time necessary to perform certain activities and not an actual reduction in dollars.

J. Hammond asked if CEEP measured the school year rather than the entire year. B. Marra said that it was for the school year.

J. Nally said that it bothers him that with the reduction of cost per student, people may have the impression that services were being reduced. T. Spradlin indicated that you cannot put a lot of credibility in the actual finding, that it is a probable cost not a definite cost. B. Marra concurred and explained how the State Board Committee responded to his fiscal overview presentation.

A. Newman and B. Marra explained the decrease in costs of Fiscal Impact in the following rules: Timing of Informed Written Parental Consent 511 IAC 7-40-4; Procedural Safeguards 511 IAC 7-37-1; Early Childhood Caseload Requirement 511 IAC 7-36-5. B. Marra explained that there are two issues, case load and the 12.5 hours. Fiscal impact regarding Benchmarks and Short Term Objectives 511 IAC 7-42-6 were discussed.

B. Wozniak presented on projected material, personnel and pupil costs and savings. B. Wozniak stated that there were 8 rules 3 with increases and 5 with decreases. T. Spradlin summarized the Fiscal Impact Study and the timeline for the finalized reports from CEEP.

B. Lewis asked if there will be a qualitative piece. T. Spradlin indicated that is what the Cost Benefit Study discusses.

Update on Article 7 Promulgation

B. Marra gave an overview of attendance and rules of concern discussed at the State Board public hearings. B. Marra explained that Music Therapy as a related service was an issue. The State Board is now considering the proposed language. B. Kirk asked for clarification on the removal of a Director of Special Education. B. Marra discussed the reasons why State Board has removed the language. B. Kirk asked who will oversee the requirements of special education. B. Marra said that the school, will most likely have to hire someone but they don't have to be a licensed director. K. Farrell added that she thinks in time there will be a shift in the roles of personnel in the schools. B. Marra said that even the level roles of state directors are changing. B. Lewis concurred and added that he thinks in the long run that it will negatively effect the students if there is not someone in that position.

B. Marra discussed the timeline for the rule promulgation and where the rules will go after the June 4, 2008, State Board meeting. B. Marra indicated that he hopes that the rules will be established by the 2008-2009 school year. J. Hammond asked if the State Board has asked for the public comment received. B. Marra said that the State Board has requested that the public comments be posted on the Indiana Department of Education website.

K. Farrell asked if there were certain issues that arose. B. Marra stated that the most frequently discussed areas were the early childhood caseload, the provisions about Speech Language Pathologists, and Response to Intervention. He added that the one thing that he didn't expect was the issue of Music Therapy. K. Farrell asked if there were any requests for delays of certain parts of the rule. B. Marra said there was concern with the 50 day timeline and some other areas.

Review Charter School Comprehensive Plans

B. Marra stated that one of the proposed rules specifies that schools will only have one school plan, as opposed to a comprehensive plan and educational service plan for each school and each department of education center.

B. Marra indicated that the Virtual Cooperative has had a change in director. There is concern that the Virtual Cooperative may no longer have a director. B. Marra stated that with the changes being made to the Virtual Cooperative some of the schools within the Virtual Cooperative are withdrawing. B. Marra has requested at this time with the proposed changes to the directors and requirements of comprehensive plans that the virtual schools submit a comprehensive plan. B. Marra would like the Council to advise the Center for Exceptional Learners on what information needs to be in a comprehensive plan submitted for each of the schools withdrawing from the virtual coop. D. Schmidt asked where Ball State stands on the issue. B. Marra indicated that they no longer want to run the Virtual Cooperative. J. Hammond asked if there is a guideline on what needs to be included in a comprehensive plan. B. Marra indicated that he has met with the schools to discuss what should be included in the comprehensive plan.

R. Kirby asked if the schools that have submitted to the Council would appear before the Council at a later date. B. Marra indicated that if the proposed rule passes then there will not be the need for them to present their comprehensive plan.

Center for Exceptional Learners Presentation on Local Determinations

B. Marra discussed recent updates within the Department of Education. He explained that some organizational restructuring has occurred and that what was formerly the Division of Exceptional Learners (DEL) is now called the Center for Exceptional Learners (CEL). He then explained that one of the CEL's main responsibilities is to monitor the implementation of the Individuals with Disabilities in Education Improvement Act (IDEA 2004). The CEL does this with its Continuous Improvement Focused Monitoring System (CIFMS).

B. Marra introduced N. Zemaitis. N. Zemaitis introduced the monitoring team. Kylee Bassett, Sharon Cochran, Nicole Confer, Michael Craciunoiu, John Hill, Tara Rinehart and Shanida Sharp.

N. Zemaitis discussed the reconfiguration of the monitoring team and explained that the team has been working closely with the U.S. Department of Education as it restructures and reorganizes its monitoring system for guidance.

N. Zemaitis presented a power point regarding the CIFMS process and explained that the monitoring team is asking for the Council to advise the team on making local determinations, a process required by IDEA 2004.

J. Swaim asked when the monitoring team makes a site visit who will they be contacting at the school. N. Zemaitis said the initial contact would be the superintendent of that school and explained further that the purpose of an onsite visit would be to focus on improving areas of noncompliance.

N. Zemaitis asked the council to advise the team regarding the determination criteria. Discussion ensued regarding the appropriate manner for placing schools identified as having disproportionality within the determination categories. The CEL presented two options – either to credit corporations that did not have disproportionality or to penalize those corporations that were identified as having disproportionality.

N. Zemaitis reviewed the Indicator 13 results for the 06-07 school year. The statewide average was 94.9% noncompliance. D. Schmidt asked why the increase in noncompliance. N. Zemaitis explained that the schools did not understand how to measure the data. She referred to the Indiana Transition Requirements Checklist – Tally Sheet that each school should now submit.

D. Downer asked how this will be monitored when they are not in compliance. N. Zemaitis said that is one of the areas that still needed to be formed. The may school's records may need to be reviewed.

N. Zemaitis continued with the monitoring presentation explaining the data received during the 05-06 and 06-07 school year.

B. Marra asked the council if the determination should be made by removing the first two indicators using 8 cells of information or 6 cells of information. Discussion ensued regarding how the information would be calculated, if Indicators 9 and 10 still would be monitored and debate on which scenario would work best.

N. Confer provided explanation on what levels of intervention will be provided for each determination category.

K. Farrell asked about the target dates for data collection. N. Zemaitis stated that it depends on the indicator. S. Tilden inquired if there would be closer monitoring to find out exactly why a school did not meet the requirements. N. Zemaitis confirmed that a site visit would take place to investigate.

J. Swiss inquired if site visits meant going through files and N. Zemaitis stated for Indicator 13 they would.

Business-

B. Marra announced that at 10:00 a.m. Dr. Reed announced in a news release that she will not be running for another term in office.

B. Marra stated that the next Council meeting is to be held on November 7, 2008. The Council reviewed proposed meeting dates for 2008-2009 school year. K. Mears noted an error in the proposed dates. It was decided that the dates would be revisited.

J. Swaim requested that before Dr. Reed leaves office that there be a rule put in place that a council member should have to sign a commitment that they will attend a percentage of meetings while serving their term.

D. Schmidt adjourned the meeting at 2:27 p.m.